

Senate Daily Reader

Friday, January 24, 2003

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State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

583I0061

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 1** - 01/22/2003

Introduced by: Senators Brown, Albers, Dennert, Duxbury, and McCracken and
Representatives Burg, Heineman, Konold, Lange, Pederson (Gordon), and
Smidt at the request of the Department of Legislative Audit

1 FOR AN ACT ENTITLED, An Act to eliminate the requirement that certain nonprofit
2 corporations file an annual report with the Department of Legislative Audit and to provide
3 for Department of Legislative Audit approval of single audits of certain nonprofit
4 corporations.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That § 4-11-2.1 be amended to read as follows:

7 4-11-2.1. ~~All~~ Any charitable or nonprofit corporation receiving federal funds through the
8 state or its political subdivisions, that is required to be audited in accordance with the Federal
9 Single Audit Act Amendments of 1996 Public Law 104-156 (31 U.S.C. sections 7501 to 7507)
10 as amended to January 1, 2003, shall comply with the provisions of § 4-11-7, except for the
11 restrictions on payment for the audit, when hiring a public accountant to perform the audit. The
12 auditor-general may examine all financial records, related to funds provided by the state or its
13 political subdivisions, of any charitable or nonprofit corporations receiving appropriated funds
14 from the state or its political subdivisions either directly or through a state agency shall be



1 ~~required to file an annual financial report disclosing the receipt and disbursement of all~~
2 ~~appropriated funds with the Department of Legislative Audit in form and contents as prescribed~~
3 ~~by the auditor-general. The auditor-general shall be authorized to examine all books, accounts,~~
4 ~~and reports of such corporations relating to the receipt and disbursement of appropriated funds,~~
5 ~~if he deems it corporation if deemed necessary and in the public interest that they be examined~~
6 ~~by the auditor-general.~~

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

717I0009

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 3** - 01/22/2003

Introduced by: Senators Vitter, Albers, Bogue, and Kelly and Representatives Hunhoff, Sebert, and Sigdestad at the request of the Interim Alcoholic Beverage Licensing and Regulation Committee

1 FOR AN ACT ENTITLED, An Act to revise the convention facility on-sale alcoholic beverage
2 license requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 35-4-11.2 be amended to read as follows:

5 35-4-11.2. Notwithstanding the provisions of § 35-4-11, each municipality may issue two
6 convention facility on-sale licenses for convention facilities substantially constructed within the
7 two years following issuance of such license or previously completed. ~~▲ If located in a first class~~
8 municipality, the hotel-motel convention facility ~~as used in this section is a facility located in~~
9 ~~South Dakota and in a bona fide manner~~ shall be used and kept open for the hosting of large
10 groups of guests for compensation ~~which has~~ and shall have at least one hundred rooms which
11 are suitable lodging accommodations and convention facilities with seating for at least four
12 hundred persons. ~~However, for the purposes of~~ If located in a second or third class municipality,
13 the hotel-motel convention facilities ~~located in municipalities other than municipalities of the first~~
14 ~~class, the minimum number of rooms required as~~ facility shall have at least forty rooms which



- 1 are suitable lodging accommodations ~~shall be fifty rooms~~ and convention facilities with seating
- 2 for at least one hundred fifty persons.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

771I0186

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 11** - 01/22/2003

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the return and
2 canvass of votes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-20-13 be amended to read as follows:

5 12-20-13. Except as provided in § 12-20-17, the county auditor shall tabulate election
6 returns as rapidly as received and make the result available for the information of the public, but
7 such returns are not the official returns. The county auditor shall enter ~~such~~ the information into
8 the central election reporting system by using ~~the state~~ any computer located in ~~the~~ a county
9 ~~treasurer's~~ office which is properly configured and linked to the central state computer
10 immediately following the tabulation of each precinct.

11 Section 2. That § 12-20-37 be amended to read as follows:

12 12-20-37. The secretary of state shall, at least thirty days before ~~every~~ each primary and
13 general election, transmit to ~~the~~ each county ~~auditors of the several counties~~ auditor envelopes
14 for all returns of votes required to be made to ~~his~~ the secretary of state's office, ~~with printed~~
15 ~~directions on the envelopes as are deemed necessary by the State Board of Elections.~~ Printed



1 directions shall accompany the envelope for the guidance and direction of the ~~officers~~ auditor in
2 making the returns according to law. ~~The expense of printing the envelopes shall be paid by the~~
3 ~~state.~~

4 Section 3. That § 12-20-38.1 be amended to read as follows:

5 12-20-38.1. The county auditor shall immediately ~~make and file with~~ transmit by mail, fax,
6 or electronic means to the secretary of state a certified copy of the official county canvass of
7 votes prepared pursuant to § 12-20-38 which shall be used for the official state canvass. The
8 certified copy shall bear a visible county seal. If the copy is faxed or sent by electronic means,
9 the original certified copy shall also be sent to the secretary of state. The ~~abstracts~~ certified
10 copies shall be microfilmed to become permanent records of the State of South Dakota and be
11 kept by the secretary of state.

12 Section 4. That § 13-7-18 be amended to read as follows:

13 13-7-18. The pollbooks shall be opened and the election results shall be canvassed by the
14 school board at the next meeting and certificates of election shall be issued by the business
15 manager of the district to ~~the~~ each successful ~~candidates~~ candidate and election results shall be
16 certified to the county auditor of ~~the counties~~ each county in which the school district is located.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0219

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 21** - 01/22/2003

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise the requirements for service of a notice of entry
2 in an action involving abuse or neglect.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 26-8A-28 be amended to read as follows:

5 26-8A-28. Notice of entry of order of adjudication or final decree of disposition issued by
6 the court in any action involving an abused or neglected child shall be served on the child's
7 attorney and the child's guardian ad litem or special advocate, if any, and on all respondent
8 parents and other respondent parties ~~in the same manner as service of the summons in the action~~
9 ~~as provided in § 26-7A-47~~ in any manner authorized by the rules of civil procedure. The notice
10 of entry may be served by publication in the same manner as service of the summons in the action
11 as provided in § 26-7A-48. If the notice of entry is served by publication, the service is
12 completed five days after the date of publication. The time for appeal commences on the day
13 following the date of completed service of the notice of entry regardless of the manner in which
14 the notice of entry is served.



State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0276

SENATE TAXATION COMMITTEE ENGROSSED NO. **SB 35** - 01/22/2003

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to require retailers to electronically file sales and
2 contractors' excise tax returns and to electronically pay the tax.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-45-27 be amended to read as follows:

5 10-45-27. Any person who is the holder of a sales tax permit or is a retailer whose receipts
6 are subject to sales tax in this state during the periods specified by this section shall make a return
7 and remittance to the Department of Revenue on forms prescribed and furnished by the
8 department in the following manner:

9 (1) ~~Any person whose tax liability is one thousand dollars or more annually, shall file the~~
10 ~~return and remit the tax on or before the twentieth day of the month following each~~
11 ~~monthly period;~~

12 ~~—(2)—~~Any person whose tax liability is less than one thousand dollars annually, shall ~~file the~~
13 ~~return and~~ remit the tax by electronic transfer to the state and shall file the return by
14 electronic means. The person shall file the return on or before the ~~last~~ twenty-third
15 day of the month following each two-month period and remit the tax on or before the



1 second to the last day of the month following each two-month period;

2 ~~(3)(2)~~ Any person whose tax liability is one thousand dollars or more annually ~~and who~~
3 ~~remits, shall remit~~ the tax by electronic transfer to the state; and shall file the return
4 by electronic means. The person shall file the return on or before the twenty-third day
5 of the month following each monthly period and remit the tax on or before the second
6 to the last day of the month following each monthly period.

7 The secretary of revenue shall grant an exception for a period of two years from the
8 requirement to file and pay electronically, if requested by the taxpayer. However, the secretary
9 is not required to grant such exception after July 1, 2005. The secretary of revenue may grant
10 an exception from the requirement to file and pay electronically if the taxpayer does not have
11 internet or telephone access. The secretary of revenue may grant an extension of not more than
12 five days for filing a return and remittance. However, the secretary of revenue may grant an
13 extension for remitting the tax to a qualified business as provided in §§ 10-45-99 to 10-45-107,
14 inclusive, for six months.

15 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return
16 or remittance is not made on time.

17 Section 2. That § 10-46A-1.6 be amended to read as follows:

18 10-46A-1.6. Any person who is the holder of a contractor's excise tax license or is a
19 contractor whose receipts are subject to contractor's excise tax in this state during the periods
20 specified by this section shall make a return and remittance to the Department of Revenue on
21 forms prescribed and furnished by the department in the following manner:

22 (1) ~~Any person whose tax liability is one thousand dollars or more annually, shall file the~~
23 ~~return and remit the tax on or before the twentieth day of the month following each~~
24 ~~monthly period;~~

1 ~~—(2)—~~ Any person whose tax liability is less than one thousand dollars annually, shall ~~file the~~
2 ~~return and~~ remit the tax by electronic transfer to the state and shall file the return by
3 electronic means. The person shall file the return on or before the ~~last~~ twenty-third
4 day of the month following each two-month period and remit the tax on or before the
5 second to the last day of the month following each two-month period;

6 ~~(3)~~(2) Any person whose tax liability is one thousand dollars or more annually ~~and who~~
7 remits, shall remit the tax by electronic transfer to the state; and shall file the return
8 by electronic means. The person shall file the return on or before the twenty-third day
9 of the month following each monthly period and remit the tax on or before the second
10 to the last day of the month following each monthly period.

11 The secretary of revenue may grant an exception from the requirement to file and pay
12 electronically for hardship. The secretary of revenue may grant an extension of not more than
13 five days for filing a return and remittance. Unless an extension is granted, the person with the
14 tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is
15 not made on time.

16 Section 3. That § 10-46B-1.4 be amended to read as follows:

17 10-46B-1.4. Any person who is the holder of a contractor's excise tax license or is a
18 contractor whose receipts are subject to contractor's excise tax in this state during the periods
19 specified by this section shall make a return and remittance to the Department of Revenue on
20 forms prescribed and furnished by the department in the following manner:

21 (1) ~~Any person whose tax liability is one thousand dollars or more annually, shall file the~~
22 ~~return and remit the tax on or before the twentieth day of the month following each~~
23 ~~monthly period;~~

24 ~~—(2)—~~ Any person whose tax liability is less than one thousand dollars annually, shall ~~file the~~

1 ~~return and~~ remit the tax by electronic transfer to the state and shall file the return by
2 electronic means. The person shall file the return on or before the ~~last~~ twenty-third
3 day of the month following each two-month period and remit the tax on or before the
4 second to the last day of the month following each two-month period;

5 ~~(3)(2)~~ Any person whose tax liability is one thousand dollars or more annually ~~and who~~
6 ~~remits,~~ shall remit the tax by electronic transfer to the state; and shall file the return
7 by electronic means. The person shall file the return on or before the twenty-third day
8 of the month following each monthly period and remit the tax on or before the second
9 to the last day of the month following each monthly period.

10 The secretary of revenue may grant an exception from the requirement to file and pay
11 electronically for hardship. The secretary of revenue may grant an extension of not more than
12 five days for filing a return and remittance. Unless an extension is granted, the person with the
13 tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is
14 not made on time.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0224

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 37** - 01/21/2003

Introduced by: The Committee on Transportation at the request of the Department of
Revenue

1 FOR AN ACT ENTITLED, An Act to require the issuance of a unique identifier to certain
2 motor vehicle owners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any owner of a motor vehicle which is used to transport passengers or property
5 and meets one of the following:

6 (1) Has a gross combination weight rating of 26,001 pounds or more, inclusive of a
7 towed unit;

8 (2) Has a gross vehicle weight rating of 26,001 pounds or more;

9 (3) Is designed to transport sixteen or more passengers, including the driver; or

10 (4) Is of any size and is used in the transportation of materials found to be hazardous for
11 the purposes of the Hazardous Materials Transportation Act and which require the
12 motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R.
13 part 172, subpart R) as of January 1, 2003;

14 shall at the time of registration either provide their United States Department of Transportation
15 assigned carrier number or be assigned a South Dakota number. An applicant who does not have



1 a United States Department of Transportation number or a South Dakota assigned number shall
2 apply for a number at the time of registration by completing an application form prescribed by
3 the secretary. Anyone wishing to obtain a unique identifier for vehicles 26,000 pounds or less
4 for the purpose of registering the units may do so upon completion of an application form.

5 Section 2. Any South Dakota number assigned pursuant to this Act may be, but is not
6 required to be, displayed on the outside of the vehicle. Upon request of an authorized agent or
7 enforcement agent, the owner of the vehicle shall make available the assigned number. The
8 owner of the vehicle shall notify the department if there is a change to the owner's assigned
9 number.

10 Section 3. If the owner fails to report or apply for either the United States Department of
11 Transportation number or the South Dakota number as required by this Act, the department shall
12 suspend the owner's registration.